

THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, JUNE 6, 2011 AT 3:00 P.M.

The Meeting was called to order at 3:00 p.m. Present: Council Chair Carroll; Council Members: Camp, Cook, Eskridge, Hornung, Snyder; Deputy City Clerk, Teresa J. Meier; ABSENT: Emery.

Council Chair Carroll announced that a copy of the Open Meetings Law is posted at the back of the Chamber by the northwest door. He asked all present to stand and recite the Pledge of Allegiance and observe a moment of silent meditation.

READING OF THE MINUTES

CAMP Having been appointed to read the minutes of the City Council proceedings of May 23, 2011 reported having done so, found same correct.

Seconded by Cook & carried by the following vote: AYES: Camp, Carroll, Cook, Eskridge, Hornung, Snyder; NAYS: None; ABSENT: Emery.

PUBLIC HEARING

APPLICATION OF WHITEHEAD OIL COMPANY DBA U-STOP #3 FOR A CLASS B LIQUOR LICENSE AT 610 SOUTH 10TH STREET;

MANAGER APPLICATION OF BRIAN MAKOVICKA FOR WHITEHEAD OIL COMPANY DBA U-STOP #3 AT 610 SOUTH 10TH STREET;

APPLICATION OF WHITEHEAD OIL COMPANY DBA U-STOP #18 FOR A CLASS D LIQUOR LICENSE AT 110 WEST O STREET;

MANAGER APPLICATION OF IVAN BLANTON FOR WHITEHEAD OIL COMPANY DBA U-STOP #18 AT 110 WEST O STREET;

APPLICATION OF WHITEHEAD OIL COMPANY DBA U-STOP #4 FOR A CLASS D LIQUOR LICENSE AT 6600 NORTH 84TH STREET;

MANAGER APPLICATION OF MELISSA LEISHMAN FOR WHITEHEAD OIL COMPANY DBA U-STOP #4 AT 6600 NORTH 84TH STREET - Mark Whitehead, 2537 Randolph Street, took oath and came forward to answer questions. He stated these locations were owned by his father, Bus Whitehead, Whitehead, Inc., but are now owned by Whitehead Oil Co., and are just housekeeping issues.

This matter was taken under advisement.

AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN CONTRACT BETWEEN THE NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY AND THE CITY IN CONNECTION WITH IMPROVEMENTS TO THE CITY'S WATER SYSTEM - Fran Mejer, Public Works & Utilities Business Manager, came forward to state the Lincoln Water System is requesting approval of a \$15,000,000 loan with the Nebraska Department of Environmental Quality. These funds will be used to finance the renewal and replacement projects identified in the CIP Program for Fiscal Years 2011-2012, 2012-2013, and 2013-2014. The interest rate is 2.25% with a 1% administrative fee for 3.25%. Bond rates at this time would be about 4.75%. This loan agreement would save the Water Department \$2,500,000 to \$3,000,000 in interest over a 20 year period. A 5% rate increase would cover this loan and also help to build up the cash balances that have been dwindling over the past few years. The CIP program has been reduced so at some point rate increases may be needed again because there is no growth in the CIP Program.

This matter was taken under advisement.

VACATION NO. 11005 - VACATING THE RIGHT-OF-WAY STUB OF WINDMILL DRIVE ON THE EAST SIDE OF NORTH 84TH STREET BETWEEN ADAMS STREET AND LEIGHTON AVENUE - Mark Hunzeker, Baylor Evnen Law, 600 Wells Fargo Center, 1248 O St., came forward representing Prairie Home Builders stating this is an exchange of a right-of-way essentially for an existing stub being replaced by a new stub in the relocated intersection of Windmill Drive and 84th Street.

This matter was taken under advisement.

AMENDING THE PAY SCHEDULE FOR A CERTAIN EMPLOYEE GROUP BY CREATING THE CLASSIFICATION OF "BENEFITS CLERK" - Mark A. Koller, Personnel Director, stated this is a creation of a class which reflects an increase in responsibilities for the person who has been doing this job for at least a year. The title at the present is Account Clerk. This person is handling more of the information in the account of the County so took the benefits of the Benefit Specialist and added Clerk. The Specialist continues with the City and the Clerk will assume more responsibilities relative to the County. Eventually this position could have a raise in pay. An audit of job duties determined it was appropriate to create this class. The County will pay a portion of this position.

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Don Taute, Assistant City Attorney, came forward to explain the pay schedule will be amended. This ordinance needs to be amended to create the class then Ordinance with Bill No. 11-71 will repeal it, but there will be a motion to substitute Appendix A which includes the position that is being created.

This matter was taken under advisement.

AMENDING THE PAY SCHEDULE FOR A CERTAIN EMPLOYEE GROUP BY CREATING THE CLASSIFICATIONS OF "LIBRARY SERVICE ASSOCIATE", "LIBRARY SERVICE SUPERVISOR", "LIBRARIAN", "LIBRARY MANAGER", AND "LIBRARY COORDINATOR" - Rick Hoppe, Chief of Staff, came forward to request to postpone public hearing on this item for two weeks.

HORNUNG Moved to postpone Public Hearing to 6/20/11 with action on 6/27/11.

Seconded by Camp & carried by the following vote: AYES: Camp, Carroll, Cook, Eskridge, Hornung, Snyder; NAYS: None; ABSENT: Emery.

This matter was taken under advisement.

AMENDING THE PAY SCHEDULE FOR A CERTAIN EMPLOYEE GROUP BY ADJUSTING THE HOURLY PAY RANGE SCHEDULE AND SCHEDULES OF ANNUAL, MONTHLY, BIWEEKLY AND HOURLY PAY RANGE EQUIVALENTS FOR EMPLOYEES OF THE CITY OF LINCOLN WHOSE CLASSIFICATIONS ARE ASSIGNED TO PAY RANGES PREFIXED BY THE LETTER "X" TO BE EFFECTIVE AUGUST 19, 2010 - Mark A. Koller, Personnel Director, stated this is to coincide with the stipulation and changes with the PAGE contract which was effective August 19, 2010. These individuals are excluded because of the nature of their jobs. Most are in Finance, Personnel, Mayor or Law Departments. Just the compensation and wages are being changed.

Don Taute, Assistant City Attorney, stated this is a brand new X pay range to coincide with the pay range changes prompted by the CIR for the PAGE group. Many employees in this group are the same classification as the PAGE employees, but because of the confidential nature of their work they are not in the PAGE group, they are excluded Senior Office Assistants and Legal Secretaries. Because of the dramatic change in the pay ranges for all of the PAGE classifications these employees who are doing the same work will essentially have to be paid the same.

This matter was taken under advisement.

APPROVING THE LEASE AGREEMENT BETWEEN THE CITY AND MUELLER/BIGERT RENTALS FOR THE LEASE OF OFFICE SPACE BY AGING PARTNERS FOR ITS PERSONAL & FAMILY SERVICES PROGRAM AT 137 NORTH 8TH STREET, GENEVA, NE 68351 FOR A TERM OF AUGUST 1, 2011 THROUGH JULY 31, 2012 - June Pedersen, Director of Aging Partners, presented the Council with a packet explaining Lincoln Partners is sponsor to Aging Offices in eight counties. This is a very small contract with Geneva for a single office being charged \$5.75 per square foot for a cost of \$325.00 per month which is paid for by Fillmore County.

This matter was taken under advisement.

APPROVING A LEASE AGREEMENT BETWEEN THE CITY AND LANCASTER COUNTY SCHOOL DISTRICT NO. 001 FOR THE LEASE OF OFFICE SPACE IN THE BUILDING LOCATED AT 949 WEST BOND TO LPS FOR AN INITIAL TERM OF FIFTEEN MONTHS, AND DECLARING AN EMERGENCY - PRIOR to reading:

COOK Moved to waive the rules to have 1st, 2nd, 3rd Readings with Public Hearing & action on this date.

Seconded by Snyder & carried by the following vote: AYES: Camp, Carroll, Cook, Eskridge, Hornung, Snyder; NAYS: None; ABSENT: Emery.

Greg MacLean, Director of Public Works & Utilities, came forward to state this is for the lease agreement of the Municipal Service Center space to be leased to LPS. This lease is for 30,000 sq. ft defined as the second floor level and other space which could be the basement which is an additional 11,000 sq. ft. for a total of 41,000 sq. ft. The rate to be charged is \$12.51 per square foot to include all utilities except telephone service. The lease is for a 15 month term with two three month options to extend. This ordinance has an emergency clause stating this is in effect when it is signed.

Chris Connolly, Assistant City Attorney, explained this is the Experian lease that has been changed. LPS wanted a single rate and would take care of their own utilities and such.

Mr. MacLean stated the same rate would be charged on office and conference space. If they wanted warehouse storage a separate rate would have to be negotiated. There is no separate metering so Public Works has done some calculations on what they feel would be a square footage amount to cover the utilities. There is an IT room in the basement of the 949 building which was identified for use as a print shop which does have a significant higher power requirement so that will probably be metered separately. LPS has requested the installation of a separate 400 amp service for the printing shop. The print shop is mostly used during the school year so there is time to look at that.

Mr. Connolly stated that if this were approved with authority to negotiate addendums such that it would cover all utility expenses in the addendum something can be added to anticipate that if costs are higher than we expected and are not being covered by the rent the school would agree to pick that up.

This matter was taken under advisement.

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF MAY 1 -15, 2011 - Rod M. Confer, City Attorney, came forward to explain the denied claim of Ned Sharp for damage to his mailbox. The damage was caused by an independent contractor doing snow removal who therefore is ultimately responsible for this claim.

This matter was taken under advisement.

APPROVING AN AGREEMENT BETWEEN THE CITY AND THE STATE OF NEBRASKA DEPARTMENT OF ROADS FOR CONSTRUCTION OF A 4" CONDUIT FOR CITY OF LINCOLN TRAFFIC COMMUNICATIONS ON THE 14TH STREET BRIDGE OVER I-80 AND TO ALLOW FOR COORDINATION BETWEEN NDOR'S NORTH 14TH STREET BRIDGE OVER I-80 PROJECT AND THE CITY'S NORTH 14TH STREET PROJECT FROM SUPERIOR STREET TO ALVO ROAD - Devon Biesicker, Public Works & Utilities Department, came forward stating this is for hanging a 4" conduit on the new bridge on I-80 on 14th Street for future communications for Public Works.

This matter was taken under advisement.

APPROVING AN AGREEMENT BETWEEN THE NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY (NDEQ) AND THE CITY OF LINCOLN, ON BEHALF OF THE LINCOLN LANCASTER COUNTY HEALTH DEPARTMENT, REGARDING THE GRANT FUNDING FOR THE 2011 - 2012 WORK PLAN FOR THE AIR QUALITY PROGRAM - Judy Halstead, Director of Lincoln-Lancaster County Health Dept., came forward stating this is a two year agreement for \$194,000 with the Nebraska Department of Environmental Quality. These are Federal pass thru dollars for a one or five year quality program.

This matter was taken under advisement.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY COUNCIL ON MAY 16, 2011 - CLERK presented said report which was placed on file in the Office of the City Clerk.

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCE PASSED BY COUNCIL ON MAY 23, 2011 - CLERK presented said report which was placed on file in the Office of the City Clerk.

RESOLUTION APPROVING THE DISTRIBUTION OF FUNDS REPRESENTING INTEREST EARNINGS ON SHORT-TERM INVESTMENTS OF IDLE FUNDS DURING THE MONTH ENDED APRIL 30, 2011 - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-86346 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That during the month ended April 30, 2011, \$197,494.78 was earned from the investments of "IDLE FUNDS". The same is hereby distributed to the various funds on a pro-rata basis using the balance of each fund and allocating a portion of the interest on the ratio that such balance bears to the total of all fund balances.

Introduced Carl Eskridge

Seconded by Cook & carried by the following vote: AYES: Camp, Carroll, Cook, Eskridge, Hornung, Snyder; NAYS: None; ABSENT: Emery.

RESOLUTION APPROVING THE CITY OF LINCOLN'S ACTIVITY REPORT FROM THE CITY TREASURER FOR THE SECOND QUARTER, FISCAL YEAR 2010-2011 - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-86347 BE IT HEREBY RESOLVED BY THE CITY COUNCIL of the City of Lincoln, Nebraska:

That the Investment Activity report and attached list of investments be confirmed and approved, and the City Treasurer is hereby directed to hold said investments until maturity unless otherwise directed by the City Council.

Introduced by Carl Eskridge

Seconded by Cook & carried by the following vote: AYES: Camp, Carroll, Cook, Eskridge, Hornung, Snyder; NAYS: None; ABSENT: Emery.

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RESOLUTION INSTRUCTING THE CITY CLERK TO GIVE FIVE DAYS' NOTICE BY PUBLICATION
ACCORDING TO LAW THAT THE CITY COUNCIL WILL, AT A REGULAR MEETING TO BE HELD ON
THE 27TH DAY OF JUNE, 2011, ASSESS AGAINST THE BENEFITTED PROPERTIES THE COST
OF SNOW AND ICE REMOVAL INCURRED BY THE CITY OF LINCOLN FOR THE 2010-2011 WINTER
SEASON - CLERK read the following resolution, introduced by Carl Eskridge, who
moved its adoption:

A-86348 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska,
that:

The City Clerk be and she is hereby instructed to give five days' notice
by publication according to law that the City Council will, at a regular meeting
to be held on the 27th day of June, 2011 at 5:30 p.m. assess against the
benefitted properties the cost of snow and ice removal incurred by the City of
Lincoln for the 2010-2011 winter season.

Introduced by Carl Eskridge

Seconded by Cook & carried by the following vote: AYES: Camp,
Carroll, Cook, Eskridge, Hornung, Snyder; NAYS: None; ABSENT: Emery.

REPORT OF CITY TREASURER OF MONTHLY CASH REPORT FOR APRIL, 2011 - CLERK presented said
report which was placed on file in the Office of the City Clerk.

PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF MONDAY, JUNE 20, 2011, AT 3:00 P.M. FOR THE APPLICATION OF
RED9 DBA CAVO FOR A CLASS I LIQUOR LICENSE LOCATED AT 7301 S. 27TH STREET,
SUITES 150-170 - CLERK read the following resolution, introduced by Carl
Eskridge, who moved its adoption:

A-86349 BE IT RESOLVED by the City Council, of the City of Lincoln, that a
hearing date is hereby set for Monday, June 20, 2011 at 3:00 p.m. or as soon
thereafter as possible in the City Council Chambers, County-City Building, 555
S. 10th St., Lincoln, NE, for Application of red9 dba Cavo for a Class I liquor
license located at 7301 S. 27th Street, Suites 150-170,

If the Police Dept. is unable to complete the investigation by said time,
a new hearing date will be set.

Introduced by Carl Eskridge

Seconded by Cook & carried by the following vote: AYES: Camp,
Carroll, Cook, Eskridge, Hornung, Snyder; NAYS: None; ABSENT: Emery.

SETTING THE HEARING DATE OF MONDAY, JUNE 20, 2011, AT 3:00 P.M. FOR THE APPLICATION OF
HOLLENBECK FARMS LLC DBA CRAVE FOR A CLASS C LIQUOR LICENSE LOCATED AT 2801 PINE
LAKE ROAD, SUITE W - CLERK read the following resolution, introduced by Carl
Eskridge, who moved its adoption:

A-86350 BE IT RESOLVED by the City Council, of the City of Lincoln, that a
hearing date is hereby set for Monday, June 20, 2011 at 3:00 p.m. or as soon
thereafter as possible in the City Council Chambers, County-City Building, 555
S. 10th St., Lincoln, NE, for Application of Hollenbeck Farms LLC dba Crave for
a Class C liquor license located at 2801 Pine Lake Road, Suite W.

If the Police Dept. is unable to complete the investigation by said time,
a new hearing date will be set.

Introduced by Carl Eskridge

Seconded by Cook & carried by the following vote: AYES: Camp,
Carroll, Cook, Eskridge, Hornung, Snyder; NAYS: None; ABSENT: Emery.

SETTING THE HEARING DATE OF MONDAY, JUNE 20, 2011, AT 3:00 P.M. FOR THE APPLICATION OF
APPLE CREEK VENDING, INC. DBA SUN VALLEY LANES FOR A CLASS C LIQUOR LICENSE
LOCATED AT 321 VICTORY LANE - CLERK read following resolution, introduced by
Carl Eskridge, who moved its adoption:

A-86351 BE IT RESOLVED by the City Council, of the City of Lincoln, that a
hearing date is hereby set for Monday, June 20, 2011 at 3:00 p.m. or as soon
thereafter as possible in the City Council Chambers, County-City Building, 555
S. 10th St., Lincoln, NE, for Application of Apple Creek Vending, Inc. dba Sun
Valley Lanes for a Class C liquor license located at 321 Victory lane.

If the Police Dept. is unable to complete the investigation by said time,
a new hearing date will be set.

Introduced by Carl Eskridge

Seconded by Cook & carried by the following vote: AYES: Camp,
Carroll, Cook, Eskridge, Hornung, Snyder; NAYS: None; ABSENT: Emery.

SETTING THE HEARING DATE OF MONDAY, JUNE 20, 2011, AT 3:00 P.M. FOR THE APPLICATION OF
YO JAVA, INC. DBA MO JAVA CAFÉ & ROASTING CO. FOR A CLASS I LIQUOR LICENSE
LOCATED AT 2649 N. 48TH ST., SUITE D - CLERK read the following resolution,
introduced by Carl Eskridge, who moved its adoption:

A-86352 BE IT RESOLVED by the City Council, of the City of Lincoln, that a
hearing date is hereby set for Monday, June 20, 2011 at 3:00 p.m. or as soon

thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for Application of Yo Java, Inc. dba Mo Java Café & Roasting Co. for a Class I liquor license located at 2649 N. 48th St., Suite D.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Carl Eskridge

Seconded by Cook & carried by the following vote: AYES: Camp, Carroll, Cook, Eskridge, Hornung, Snyder; NAYS: None; ABSENT: Emery.

PLACED ON FILE IN THE OFFICE OF THE CITY CLERK:

Administrative Amendment No. 11018 to Special Permit No. 1609, Paul VI Heights, approved by the Planning Director on May 18, 2011 requested by Progress for People II to add a parking lot and revise the phasing line to Paul VI Heights on property generally located at N. 18th and Superior St.

Waiver No. 11006 to Final Pat No. 99046, approved by the Planning Director on May 20, 2011 requested by Steven Knobel to extend the time for one year to install sidewalks for North Creek 2nd Addition. The improvements shall be completed by May 20, 2012. Property is generally located at Telluride Dr. and Whitehead Dr.

MISCELLANEOUS REFERRALS - NONE

LIQUOR RESOLUTIONS

APPLICATION OF WHITEHEAD OIL COMPANY DBA U-STOP #3 FOR A CLASS B LIQUOR LICENSE AT 610 SOUTH 10TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-86353 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Whitehead Oil Company dba U-Stop #3 for a Class "B" liquor license at 610 South 10th Street, Lincoln, Nebraska, for the license period ending April 30, 2012, be approved with the condition that the premises complies in every respect with all city and state regulations. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Snyder & carried by the following vote: AYES: Camp, Carroll, Cook, Eskridge, Hornung, Snyder; NAYS: None; ABSENT: Emery.

MANAGER APPLICATION OF BRIAN MAKOVICKA FOR WHITEHEAD OIL COMPANY DBA U-STOP #3 AT 610 SOUTH 10TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-86354 WHEREAS, Whitehead Oil Company dba U-Stop #3 located at 610 South 10th Street, Lincoln, Nebraska has been approved for a Retail Class "B" liquor license, and now requests that Brian Makovicka be named manager;

WHEREAS, Brian Makovicka appears to be a fit and proper person to manage said business.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Brian Makovicka be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Snyder & carried by the following vote: AYES: Camp, Carroll, Cook, Eskridge, Hornung, Snyder; NAYS: None; ABSENT: Emery.

APPLICATION OF WHITEHEAD OIL COMPANY DBA U-STOP #18 FOR A CLASS D LIQUOR LICENSE AT 110 WEST O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-86355 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, June 6, 2011 at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the Application of Whitehead Oil Company dba U-Stop #18 for a Class D liquor license located at 110 W. O Street.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Jon Camp

Seconded by Snyder & carried by the following vote: AYES: Camp, Carroll, Cook, Eskridge, Hornung, Snyder; NAYS: None; ABSENT: Emery.

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MANAGER APPLICATION OF IVAN BLANTON FOR WHITEHEAD OIL COMPANY DBA U-STOP #18 AT 110 WEST O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-86356 WHEREAS, Whitehead Oil Company dba U-Stop #18 located at 110 West O Street, Lincoln, Nebraska has been approved for a Retail Class "D" liquor license, and now requests that Ivan Blanton be named manager;

WHEREAS, Ivan Blanton appears to be a fit and proper person to manage said business.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Ivan Blanton be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Snyder & carried by the following vote: AYES: Camp, Carroll, Cook, Eskridge, Hornung, Snyder; NAYS: None; ABSENT: Emery.

APPLICATION OF WHITEHEAD OIL COMPANY DBA U-STOP #4 FOR A CLASS D LIQUOR LICENSE AT 6600 NORTH 84TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-86357 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Whitehead Oil Company dba U-Stop #4 for a Class "D" liquor license at 6600 North 84th Street, Lincoln, Nebraska, for the license period ending April 30, 2012, be approved with the condition that the premises complies in every respect with all city and state regulations. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Snyder & carried by the following vote: AYES: Camp, Carroll, Cook, Eskridge, Hornung, Snyder; NAYS: None; ABSENT: Emery.

MANAGER APPLICATION OF MELISSA LEISHMAN FOR WHITEHEAD OIL COMPANY DBA U-STOP #4 AT 6600 NORTH 84TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-86358 WHEREAS, Whitehead Oil Company dba U-Stop #4 located at 6600 North 84th Street, Lincoln, Nebraska has been approved for a Retail Class "D" liquor license, and now requests that Melissa Leishman be named manager;

WHEREAS, Melissa Leishman appears to be a fit and proper person to manage said business.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Melissa Leishman be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Snyder & carried by the following vote: AYES: Camp, Carroll, Cook, Eskridge, Hornung, Snyder; NAYS: None; ABSENT: Emery.

ORDINANCE - 2ND READING & RELATED RESOLUTIONS (as required)

AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN CONTRACT BETWEEN THE NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY AND THE CITY IN CONNECTION WITH IMPROVEMENTS TO THE CITY'S WATER SYSTEM - CLERK read an ordinance, introduced by Jonathan Cook, authorizing the execution and delivery of a loan contract between the City and the Nebraska Department of Environmental Quality (Project No. D311548) and a related promissory note in a principal amount not to exceed \$15,000,000; and related matters, the second time.

VACATION NO. 11005 - VACATING THE RIGHT-OF-WAY STUB OF WINDMILL DRIVE ON THE EAST SIDE OF NORTH 84TH STREET BETWEEN ADAMS STREET AND LEIGHTON AVENUE - CLERK read an ordinance, introduced by Jonathan Cook, vacating the right-of-way stub of Windmill Drive on the east side of North 48th Street between Adams Street and Leighton Avenue, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the second time.

AMENDING THE PAY SCHEDULE FOR A CERTAIN EMPLOYEE GROUP BY CREATING THE CLASSIFICATION OF "BENEFITS CLERK" - CLERK read an ordinance, introduced by Jonathan Cook, amending Section 1 of Ordinance No. 19290 passed August 10, 2009, relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "X," by creating the job classification of "Benefits Clerk", the second time.

AMENDING THE PAY SCHEDULE FOR A CERTAIN EMPLOYEE GROUP BY CREATING THE CLASSIFICATIONS OF "LIBRARY SERVICE ASSOCIATE", "LIBRARY SERVICE SUPERVISOR", "LIBRARIAN", "LIBRARY MANAGER", AND "LIBRARY COORDINATOR" - PRIOR to reading:

HORNUNG Moved to delay Public Hearing on Bill No. 11-69 for two weeks to June 20, 2011.

Seconded by Camp & carried by the following vote: AYES: Camp, Carroll, Cook, Eskridge, Hornung, Snyder; NAYS: None; ABSENT: Emery.
CLERK Read an ordinance, introduced by Jonathan Cook, amending Section 1 of Ordinance No. 18967 passed August 6, 2007, relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "A" by creating the job classifications of "Library Service Associate," "Library Service Supervisor," "Librarian," "Library Manager"; and amending Section 3 of Ordinance No. 18967 passed August 6, 2007, relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "C" and by creating the job classification of "Library Coordinator," the second time.

AMENDING THE PAY SCHEDULE FOR A CERTAIN EMPLOYEE GROUP BY ADJUSTING THE HOURLY PAY RANGE SCHEDULE AND SCHEDULES OF ANNUAL, MONTHLY, BIWEEKLY AND HOURLY PAY RANGE EQUIVALENTS FOR EMPLOYEES OF THE CITY OF LINCOLN WHOSE CLASSIFICATIONS ARE ASSIGNED TO PAY RANGES PREFIXED BY THE LETTER "X" TO BE EFFECTIVE AUGUST 19, 2010 - CLERK read an ordinance, introduced by Jonathan Cook, adopting pay schedules and schedules of pay ranges for employees of the City of Lincoln, Nebraska whose classifications are assigned to pay ranges prefixed by the letter "X" and repealing Ordinance No. 19290, passed by the City Council on August 10, 2009, the second time.

APPROVING THE LEASE AGREEMENT BETWEEN THE CITY AND MUELLER/BIGERT RENTALS FOR THE LEASE OF OFFICE SPACE BY AGING PARTNERS FOR ITS PERSONAL & FAMILY SERVICES PROGRAM AT 137 NORTH 8TH STREET, GENEVA, NE 68351 FOR A TERM OF AUGUST 1, 2011 THROUGH JULY 31, 2012 - CLERK read an ordinance, introduced by Jonathan Cook, accepting and approving a Lease Agreement between the City of Lincoln and Mueller/Bigert Rentals for the lease of office space by the Aging Partners for its Aging Partners Personal & Family Services program located at 137 N. 8th Street, Geneva, NE 68361, for a term of August 1, 2011 through July 31, 2012, the second time.

PUBLIC HEARING - RESOLUTIONS

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF MAY 1 -15, 2011 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-86359 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the claims listed in the attached report, marked as Exhibit "A", dated May 16, 2011, of various new and pending tort claims filed against the City of Lincoln with the Office of the City Attorney or the Office of the City Clerk, as well as claims which have been disposed of, are hereby received as required by Neb. Rev. Stat. § 13-905 (Reissue 1997). The dispositions of claims by the Office of the City Attorney, as shown by the attached report, are hereby approved:

<u>DENIED CLAIMS</u>		<u>ALLOWED/SETTLED CLAIMS</u>	
Ned Sharp	\$116.00	Beverly Ann Best	\$2,500.00
		State Farm Insurance Co.	
		(Claim No. 27-7845-566)	2,467.36
		Progressive Insurance Co.	
		(Claim No. 11-1503690)	4,470.34

The City Attorney is hereby directed to mail to the various claimants listed herein a copy of this resolution which shows the final disposition of their claim.

Introduced by Jonathan Cook

Seconded by Camp & carried by the following vote: AYES: Camp, Carroll, Cook, Eskridge, Hornung, Snyder; NAYS: None; ABSENT: Emery.

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APPROVING AN AGREEMENT BETWEEN THE CITY AND THE STATE OF NEBRASKA DEPARTMENT OF ROADS FOR CONSTRUCTION OF A 4" CONDUIT FOR CITY OF LINCOLN TRAFFIC COMMUNICATIONS ON THE 14TH STREET BRIDGE OVER I-80 AND TO ALLOW FOR COORDINATION BETWEEN NDOR'S NORTH 14TH STREET BRIDGE OVER I-80 PROJECT AND THE CITY'S NORTH 14TH STREET PROJECT FROM SUPERIOR STREET TO ALVO ROAD - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-86360

BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Agreement between the City of Lincoln and the State of Nebraska Department of Roads for construction of a 4" conduit for City of Lincoln traffic communications on the 14th Street Bridge over I-80 and to allow for coordination between NDOR's North 14th Street Bridge over I-80- project and the City's North 14th Street project from Superior Street to Alvo Road, State Project No. HN-80-9(855), in accordance with the terms and conditions contained in said Agreement, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

The City Clerk is directed to return the executed copies of the Agreement to the Engineering Services Division of the Department of Public Works & Utilities, for transmittal and execution by the State Department of Roads.

Introduced by Jonathan Cook

Seconded by Camp & carried by the following vote: AYES: Camp, Carroll, Cook, Eskridge, Hornung, Snyder; NAYS: None; ABSENT: Emery.

APPROVING AN AGREEMENT BETWEEN THE NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY (NDEQ) AND THE CITY OF LINCOLN, ON BEHALF OF THE LINCOLN LANCASTER COUNTY HEALTH DEPARTMENT, REGARDING THE GRANT FUNDING FOR THE 2011 - 2012 WORK PLAN FOR THE AIR QUALITY PROGRAM - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-86361

BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Fiscal Year 2011 - 2012 Work Plan for the Lincoln-Lancaster County Health Department: Section 105 Air Quality Program for grant funds allocated pursuant to § 105 of the Federal Clean Air Act, which is attached hereto marked as Attachment "A", is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

The City Clerk is directed to transmit a certified copy of the executed original Resolution and Fiscal Year 2011 - 2012 Work Plan for the Lincoln-Lancaster County Health Department: Section 105 Air Quality Program to Elaine Severe, LLCHD, for transmittal to the NDEQ.

Introduced by Jonathan Cook

Seconded by Camp & carried by the following vote: AYES: Camp, Carroll, Cook, Eskridge, Hornung, Snyder; NAYS: None; ABSENT: Emery.

ORDINANCES - 1ST READING & RELATED RESOLUTIONS (as required)

AMENDING CHAPTER 23.10 OF THE LINCOLN MUNICIPAL CODE (LMC), THE LINCOLN ELECTRICAL CODE, TO ADOPT THE 2011 NATIONAL ELECTRICAL CODE (NEC), AS SPECIFICALLY AMENDED BY CHAPTER 23.10 OF THE LMC, BY AMENDING SECTION 23.10.010 TO ADOPT THE 2011 EDITION OF THE NATIONAL ELECTRICAL CODE; AMENDING SECTION 23.10.070 RELATING TO BYPASSING ELECTRIC REVENUE METERS; AMENDING SECTION 23.10.120 TO INCREASE THE FEE FOR REVIEW OF A DECISION OF THE BUILDING OFFICIAL; AMENDING SECTION 23.10.140 RELATING TO PERMITS TO CHANGE REFERENCES FROM "HOMEOWNERS" TO "NON-LICENSED APPLICANTS" AND TO DELETE REFERENCES TO SPECIFIC NEC ARTICLES; AMENDING SECTION 23.10.150 RELATING TO PERMIT REQUIREMENTS TO CHANGE A REFERENCE FROM "PERMITTEE" TO "PERMIT HOLDER"; AMENDING SECTION 23.10.160 RELATING TO INSTALLATIONS BY NON-LICENSED APPLICANTS; AMENDING SECTION 23.10.190 RELATING TO REQUESTS FOR INSPECTIONS; AMENDING SECTION 23.10.195 TO CLARIFY THAT AN ELECTRIC REVENUE METER INSTALLED IN THE REGULAR METER SOCKET AND LEFT UNSEALED SHALL BE CONSIDERED A TEMPORARY USE OF ELECTRICAL ENERGY UNDER THIS SECTION; AMENDING SECTION 23.10.200 TO DELETE THE REQUIREMENT THAT THE EXPIRATION DATE OF THE CITY REGISTRATION OF A STATE LICENSE BE RECORDED ON THE STATE LICENSE; AMENDING SECTION 23.10.220 TO INCREASE EXAMINATION AND REGISTRATION FEES; REPEALING SECTION 23.10.280 RELATING TO WIRING OF TEMPORARY CONSTRUCTION WALKWAYS; AMENDING SECTION 23.10.290 RELATING TO INSTALLATION STANDARDS AND APPROVED WIRING METHODS; AMENDING SECTION 23.10.300 RELATING TO SERVICES, DISCONNECTS, SUB-FEEDERS AND METERING REQUIREMENTS; AND AMENDING SECTION 23.10.520 TO PROVIDE PERMITS SHALL BE VALID FOR A PERIOD OF 90 DAYS AND TO INCREASE PERMIT FEES - CLERK read an ordinance, introduced by Carl Eskridge, amending Chapter 23.10 of the Lincoln Municipal Code (LMC), the Lincoln Electrical Code, to adopt the 2011 National Electrical Code (NEC), as specifically amended by Chapter 23.10 of the

LMC by amending Sections 23.10.010, 23.10.070, 23.10.120, 23.10.140, 23.10.150, 23.10.160, 23.10.190, 23.10.195, 23.10.200, 23.10.220, 23.10.290, 23.10.300, 23.10.520; repealing Sections, 23.10.010, 23.10.070, 23.10.120, 23.10.140, 23.10.150, 23.10.160, 23.10.190, 23.10.195, 23.10.200, 23.10.220, 23.10.280, 23.10.290, 23.10.300 and 23.10.520 of the Lincoln Municipal Code as hitherto existing, the first time.

AMENDING CHAPTER 19.03 OF THE LINCOLN MUNICIPAL CODE ("LMC"), THE FIRE CODE OF THE CITY OF LINCOLN, NEBRASKA, BY AMENDING SECTION 19.03.010 TO ADOPT THE INTERNATIONAL FIRE CODE, 2009 EDITION ("IFC"), AS SPECIFICALLY AMENDED BY CHAPTER 19.03 OF THE LMC; AMENDING LMC SECTION 19.03.090 TO INCREASE THE REVIEW AND INSPECTION FEE FOR NEW CONSTRUCTION AND ALTERATIONS; AMENDING LMC SECTION 19.03.100 TO ADD AND INCREASE SPECIFIED PERMIT FEES; AMENDING LMC SECTION 19.03.120 TO INCREASE THE FILING FEE FOR APPEALS TO THE CODE OFFICIAL; AMENDING LMC SECTION 19.03.130 TO RELOCATE REQUIREMENTS RELATING TO MOBILE HOME SKIRTING WITHIN THE IFC; ADDING A NEW LMC SECTION NUMBERED 19.03.133 TO DELETE EXCEPTION 4 FROM IFC SECTION 903.2.7 RELATING TO GROUP M SPRINKLER REQUIREMENTS; AMENDING LMC SECTION 19.03.135 TO REFLECT AN IFC SECTION NUMBER CHANGE; AMENDING LMC SECTION 19.03.140 RELATING TO MONITORING SPRINKLER SYSTEMS; REPEALING LMC SECTION 19.03.143 WHICH DELETED EXCEPTION 2 FROM IFC SECTION 907.3.1.7 RELATING TO FIRE ALARM SYSTEMS GROUP R-2 OCCUPANCIES; ADDING A NEW LMC SECTION NUMBERED 19.03.144 TO AMENDED IFC SECTION 907.2.2 RELATING TO GROUP R-2 OCCUPANCIES; AMENDING LMC SECTION 19.03.160 TO REFLECT AN IFC SECTION NUMBER CHANGE; REPEALING LMC SECTION 19.03.180 RELATING TO PERMITS FOR FLAMMABLE AND COMBUSTIBLE LIQUIDS; AND REPEALING LMC SECTION 19.03.190 RELATING TO PROHIBITION ON ABOVE-GROUND TANKS - CLERK read an ordinance, introduced by Carl Eskridge, amending Chapter 19.03 of the Lincoln Municipal Code ("LMC"), the Fire Code of the City of Lincoln, Nebraska, by amending Section 19.03.010 to adopt the International Fire Code, 2009 Edition ("IFC"), as specifically amended by Chapter 19.03 of the LMC; amending Sections 19.03.090, 19.03.100, 19.03.120, 19.03.130; adding a new LMC section numbered 19.03.133; amending Sections 19.03.135, 19.03.140; repealing LMC Section 19.03.143; adding a new LMC section numbered 19.03.144; amending Section 19.03.160; repealing Section 19.03.180, 19.03.190, 19.03.010, 19.03.090, 19.03.100, 19.03.120, 19.03.130, 19.03.135, 19.03.140 and 19.03.160 of the Lincoln Municipal Code as hitherto existing, the first time.

AMENDING CHAPTER 20.08 OF THE LINCOLN MUNICIPAL CODE (LMC), THE LINCOLN BUILDING CODE, TO ADOPT THE 2009 INTERNATIONAL BUILDING CODE (IBC), AS SPECIFICALLY AMENDED BY CHAPTER 20.08 OF THE LMC, AND TO REVISE SECTIONS WITHIN CHAPTER 20.08 TO INCORPORATE SECTION NUMBER CHANGES BETWEEN THE 2006 AND 2009 EDITIONS OF THE IBC AND TO INCREASE FEES FOR CERTAIN DESIGNATED SERVICES; ADDING A NEW SECTION NUMBERED 20.08.065 TO AMEND IBC SECTION 105.3.2 RELATING TO TIME LIMITATIONS; ADDING A NEW SECTION NUMBERED 20.08.067 TO AMEND IBC SECTION 105.5 RELATING TO EXPIRATION AND REINSTATEMENT OF PERMITS; ADDING A NEW SECTION NUMBERED 20.08.178 TO ADD A NEW IBC SECTION 423.3 RELATING TO THE CONSTRUCTION OF STORM SHELTERS; ADDING A NEW SECTION NUMBERED 20.08.223 TO DELETE NO. 4 FROM IBC SECTION 903.2.7 RELATING TO GROUP M SPRINKLER REQUIREMENTS; ADDING A NEW SECTION NUMBERED 20.08.265 TO ADD AN EXCEPTION 8 TO IBC SECTION 1009.4.2 RELATING TO STAIRWAYS; ADDING A NEW SECTION NUMBERED 20.08.318 TO ADD A NEW IBC SECTION 1509.6 RELATING TO OUTDOOR DECK FRAMING FOR ROOF TOP SEATING AND ASSEMBLY AREAS; ADDING A NEW SECTION NUMBERED 20.08.353 TO AMEND IBC SECTION 1704.1 RELATING TO SPECIAL INSPECTIONS; AND REPEALING LINCOLN MUNICIPAL CODE SECTIONS 20.08.235, 20.08.290, 20.08.325, AND 29.08.340 IN THEIR ENTIRETY - CLERK read an ordinance, introduced by Carl Eskridge, amending Chapter 20.08 of the Lincoln Municipal Code (LMC), the Lincoln Building Code, to adopt the 2009 International Building Code (IBC), as specifically amended by Chapter 20.08 of the LMC, and to revise sections within Chapter 20.08 to incorporate section number changes between the 2006 and 2009 editions of the IBC and to increase fees for certain designated services; adding new section numbered 20.08.065, 20.08.067, 20.08.178, 20.08.223, 20.08.265, 20.08.318, 20.08.353; repealing Sections 20.08.235, 20.08.290, 20.08.325, 29.08.340, 20.08.010, 20.08.040, 20.08.080, 20.08.090, 20.08.100, 20.08.110, 20.08.115, 20.08.120, 20.08.130, 20.08.140, 20.08.145, 20.08.150, 20.08.160, 20.08.165, 20.08.225, 20.08.357 and 20.08.410 of the Lincoln Municipal Code as hitherto existing, the first time.

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CHANGE OF ZONE NO. 08057A - AMENDING THE UNIVERSITY PLACE PLANNED UNIT DEVELOPMENT TO ALLOW THE SALE OF ALCOHOL FOR CONSUMPTION ON THE PREMISES AS A CONDITIONAL USE PROVIDED IT MEETS ALL THE REQUIREMENTS FOR A SPECIAL PERMIT PURSUANT TO § 27.63.680 OF THE LINCOLN MUNICIPAL CODE, EXCEPT FOR PARKING - CLERK read an ordinance, introduced by Carl Eskridge, amending the University Place Planned Unit Development Plan to allow the sale of alcohol for consumption on the premises as a conditional use in the University Place Planned Unit Development District provided such use meets all the requirements for a special permit pursuant to Lincoln Municipal Code § 27.63.680, except the parking requirement, the first time.

APPROVING AN AMENDED SUBLEASE AGREEMENT BETWEEN THE CITY AND EXPERIENCE WORKS FOR THE SUBLEASE OF OFFICE SPACE AT GOLD'S BUILDING, 1010 N STREET, TO AMEND THE TERM, AREA LEASED AND RENTAL AMOUNT - CLERK read an ordinance, introduced by Carl Eskridge, approving a Sublease Agreement between the City of Lincoln and Experience Works from July 1, 2011 to June 30, 2012, whereby the City of Lincoln is subleasing office space to Experience Works at the One Stop Career Center, 1010 N Street, Lincoln, Nebraska, for providing job training and employment services under the Workforce Investment Act, the first time.

AMENDING CHAPTER 14.80 OF THE LINCOLN MUNICIPAL CODE RELATING TO SIDEWALK CONSTRUCTION BY AMENDING SECTION 14.80.010 TO ADD MAILBOXES AND SUPPORTING STRUCTURES AS ITEMS THAT MAY BE LOCATED IN THE SPACE BETWEEN CURB AND LOT LINES, AND TO DELETE DECORATIVE STONES FROM SUCH LIST AS THEY ARE INCLUDED WITHIN THE TERM ORGANIC MULCH; AMENDING SECTION 14.80.020 TO ADD MAILBOXES AND SUPPORTING STRUCTURES REQUIRED BY THE UNITED STATES POSTAL SERVICE AS ITEMS WHICH MAY BE PLACED IN THE SPACE BETWEEN CURB AND LOT LINES WITHOUT A PERMIT, TO REVISE THE ORGANIZATION OF SUBPARAGRAPHS SO THAT PROVISIONS RELATED TO THE SAME SUBJECT APPEAR TOGETHER IN THE ORDINANCE, AND TO CLARIFY THAT THE CITY OF LINCOLN IS RELEASED FROM LIABILITY FOR DAMAGE TO ALL PERSONAL PROPERTY OF ABUTTING LANDOWNERS LOCATED BETWEEN THE CURB AND THE LOT LINE REGARDLESS OF WHETHER THE USE OF SUCH PERSONAL PROPERTY IN THAT AREA IS PERMITTED OR UNAUTHORIZED - CLERK read an ordinance, introduced by Carl Eskridge, amending Chapter 14.80 of the Lincoln Municipal Code relating to Sidewalk Construction by amending Section 14.80.010 to add mailboxes and supporting structures as items that may be located in the space between curb and lot lines, and to delete decorative stones from such list as they are included within the term organic mulch; amending Section 14.80.020 to add mailboxes and supporting structures required by the United States Postal Service as items which may be placed in the space between curb and lot lines without a permit, to revise the organization of subparagraphs so that provisions related to the same subject appear together in the ordinance, and to clarify that the City of Lincoln is released from liability for damage to all personal property of abutting landowners located between the curb and the lot line regardless of whether the use of such personal property in that area is permitted or unauthorized; and repealing Sections 14.80.010 and 14.80.020 of the Lincoln Municipal Code as hitherto existing, the first time.

APPROVING A LEASE AGREEMENT BETWEEN THE CITY AND LANCASTER COUNTY SCHOOL DISTRICT NO. 001 FOR THE LEASE OF OFFICE SPACE IN THE BUILDING LOCATED AT 949 WEST BOND TO LPS FOR AN INITIAL TERM OF FIFTEEN MONTHS, AND DECLARING AN EMERGENCY - PRIOR to reading:

COOK Moved to waive the rules to have 1st, 2nd, 3rd Readings with Public Hearing & action on this date.

Seconded by Snyder & carried by the following vote: AYES: Camp, Carroll, Cook, Eskridge, Hornung, Snyder; NAYS: None; ABSENT: Emery.

HORNUNG Moved to amend Bill No. 11-80 at end of Section 1 add the language: and to negotiate and execute amendments or codicils to provide for the utilities and other expense reimbursements or payments in connection with Exhibit B and other additional space requested under the "lease agreement" on behalf of the City.

Seconded by Camp & carried by the following vote: AYES: Camp, Carroll, Cook, Eskridge, Hornung, Snyder; NAYS: None; ABSENT: Emery.

CLERK Read an ordinance, introduced by Carl Eskridge, accepting and approving the Lease Agreement between the City of Lincoln and Lancaster County School District No. 001 for the lease of office space in the building located at 949 West Bond Street to Lincoln Public Schools for an initial term of fifteen months with options for renewal, and declaring an emergency.

ESKRIDGE Moved to pass the ordinance as amended.

Seconded by Camp & carried by the following vote: AYES: Camp, Carroll, Cook, Eskridge, Hornung, Snyder; NAYS: None; ABSENT: Emery.

The ordinance, being numbered #19551, is recorded in Ordinance Book #27, Page .

ORDINANCES - 3RD READING & RELATED RESOLUTIONS (as required)

AMENDING CHAPTER 8.32 OF THE LINCOLN MUNICIPAL CODE RELATING TO SOLID WASTES BY AMENDING SECTION 8.32.010 TO ADD THE DEFINITION OF "DWELLING"; ADDING A NEW SECTION NUMBERED 8.32.205, GARBAGE SERVICE TO BE PROVIDED, AND AMENDING SECTIONS 8.32.210 AND 8.32.220 TO REQUIRE GARBAGE SERVICE FOR EVERY DWELLING IN THE CITY - PRIOR to reading:

HORNUNG Moved to amend Bill No. 11-60 on Page 5, Line 21, by deleting the word "multiple" and insert in lieu thereof "more than two dwelling".

Seconded by Camp & carried by the following vote: AYES: Camp, Carroll, Cook, Eskridge, Hornung, Snyder; NAYS: None; ABSENT: Emery.

HORNUNG Moved to amend Bill No. 11-60 on page 5, line 25 after the word "another" insert the following phrase, "except that owners with leases in effect on effective date of this ordinance (11-60) that assigned responsibility of solid waste collection and removal to tenant shall not be responsible and liable until those leases have terminated or expired, not including any subsequent renewals."

Seconded by Camp & **LOST** by the following vote: AYES: Camp, Hornung; NAYS: Carroll, Cook, Eskridge, Snyder; ABSENT: Emery.

CLERK Read an ordinance, introduced by Jon Camp, amending Chapter 8.32 of the Lincoln Municipal Code relating to Solid Wastes by amending Section 8.32.010 to add the definition of "dwelling"; adding a new section numbered 8.32.205, Garbage Service to be Provided, and amending Sections 8.32.210 and 8.32.220 to require garbage service for every dwelling in the city; and repealing Sections 8.32.010, 8.32.210, 8.32.210 and 8.32.220 of the Lincoln Municipal Code as hitherto existing, the third time.

CAMP Moved to pass the ordinance as amended.

Seconded by Eskridge & carried by the following vote: AYES: Camp, Carroll, Cook, Eskridge, Hornung, Snyder; NAYS: None; ABSENT: Emery.

The ordinance, being numbered **#19544**, is recorded in Ordinance Book #27, Page .

APPROVING THE U.S. HWY. 34 & WEST FLETCHER AVENUE CONDITIONAL ZONING AGREEMENT BETWEEN THE CITY OF LINCOLN AND PAR 5 PARTNERS, LLC FOR A CHANGE OF ZONE FROM R-3 RESIDENTIAL DISTRICT, O-2 SUBURBAN OFFICE DISTRICT AND AG AGRICULTURE DISTRICT TO I-2 INDUSTRIAL PARK DISTRICT AND TO CONTROL ACCESS TO WEST FLETCHER AVENUE, ON PROPERTY GENERALLY LOCATED AT HIGHWAY 34 AND WEST FLETCHER AVENUE. (RELATED ITEMS: 11R-116, 11-61) (ACTION DATE: 6/6/11) - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-86362 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the agreement titled U.S. Hwy. 34 & West Fletcher Avenue Conditional Zoning Agreement which is attached hereto marked as Attachment "A" and made a part hereof by reference, between the City and Par 5 Partners, LLC, upon the terms and conditions contained in said Agreement relinquishing access to West Fletcher Avenue on property generally located at U.S. Highway 34 and West Fletcher Avenue and legally described as Lots 4 and 20 of Irregular Tracts, all located in the Northeast Quarter of Section 3, Township 10 North, Range 6 East of the 6th P.M., and the remaining portion of Lot 1, Block 1, Highland North, and Lot 57 of Irregular Tracts, all located in the Northwest Quarter of Section 2, Township 10 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska, is hereby approved and the Mayor is authorized to execute the U.S. Hwy. 34 & West Fletcher Avenue Conditional Zoning Agreement on behalf of the City.

BE IT FURTHER RESOLVED that the City Clerk is directed to return one fully executed copy of this Agreement to Rick Peo, Chief Assistant City Attorney, for distribution to the Owner.

BE IT FURTHER RESOLVED that the City Clerk is directed to record the Zoning Agreement or a summary memorandum thereof with the Register of Deeds, filing fees to be paid by the Owner.

Introduced by Jon Camp

Seconded by Eskridge & carried by the following vote: AYES: Camp, Carroll, Cook, Eskridge, Hornung, Snyder; NAYS: None; ABSENT: Emery.

CHANGE OF ZONE NO. 10028 - APPLICATION OF PAR 5 PARTNERS, LLC, FOR A CHANGE OF ZONE FROM O-2 SUBURBAN OFFICE DISTRICT, R-3 RESIDENTIAL DISTRICT AND AG AGRICULTURE DISTRICT TO I-2 INDUSTRIAL PARK DISTRICT ON PROPERTY GENERALLY LOCATED AT US HIGHWAY 34 AND WEST FLETCHER AVE. (RELATED ITEMS: 11R-116, 11-61) (ACTION DATE: 6/6/11) - CLERK read an ordinance, introduced by Jon Camp, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the third time.

CAMP Moved to pass the ordinance as read.

Seconded by Eskridge & carried by the following vote: AYES: Camp, Carroll, Cook, Eskridge, Hornung, Snyder; NAYS: None; ABSENT: Emery.

The ordinance, being numbered **#19545**, is recorded in Ordinance Book #27, Page .

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CHANGE OF ZONE NO. 11010 - APPLICATION OF JOHN MCARTHUR FOR A CHANGE OF ZONE FROM H-3 HIGHWAY COMMERCIAL DISTRICT TO I-1 INDUSTRIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT NORTH 39TH STREET AND CORNHUSKER HIGHWAY - CLERK read an ordinance, introduced by Jon Camp, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the third time.

CAMP Moved to pass the ordinance as read.

Seconded by Eskridge & carried by the following vote: AYES: Camp, Carroll, Cook, Eskridge, Hornung, Snyder; NAYS: None; ABSENT: Emery.

The ordinance, being numbered **#19546**, is recorded in Ordinance Book #27, Page .

CHANGE OF ZONE NO. 11011 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE TO ALLOW AGRICULTURAL ATTRACTIONS IN THE AG AGRICULTURE DISTRICT BY AMENDING CHAPTER 27.03 TO ADD A NEW SECTION NUMBERED 27.03.043 TO DEFINE "AGRICULTURAL ATTRACTION;" AMENDING SECTION 27.07.030 TO ESTABLISH AN AGRICULTURAL ATTRACTION AS A CONDITIONAL USE IN THE AG AGRICULTURE DISTRICT; AND AMENDING SECTION 27.67.040 TO PROVIDE PARKING REQUIREMENTS FOR AGRICULTURAL ATTRACTIONS - CLERK read an ordinance, introduced by Jon Camp, amending Title 27 of the Lincoln Municipal Code, the Zoning Code, to allow Agricultural Attraction in the AG Agriculture District by amending Chapter 27.03 to add a new section numbered 27.03.043 to define "Agriculture Attraction"; amending Section 27.07.030 to establish an Agriculture Attraction as a conditional use in the AG Agriculture District; amending Section 27.67.040 to provide parking requirements for Agricultural Attractions; and repealing Sections 27.07.030 and 27.67.040 of the Lincoln Municipal Code as hitherto existing, the third time.

CAMP Moved to pass the ordinance as read.

Seconded by Eskridge & carried by the following vote: AYES: Camp, Carroll, Cook, Eskridge, Hornung, Snyder; NAYS: None; ABSENT: Emery.

The ordinance, being numbered **#19547**, is recorded in Ordinance Book #27, Page .

CHANGE OF ZONE NO. 11012 - APPLICATION OF MARK BOUSEK FOR A CHANGE OF ZONE FROM R-2 RESIDENTIAL DISTRICT TO R-4 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT NORTH 70TH STREET AND CLEVELAND AVENUE - CLERK read an ordinance, introduced by Jon Camp, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the district established and shown thereon, the third time.

CAMP Moved to pass the ordinance as read.

Seconded by Eskridge & carried by the following vote: AYES: Camp, Carroll, Cook, Eskridge, Hornung, Snyder; NAYS: None; ABSENT: Emery.

The ordinance, being numbered **#19548**, is recorded in Ordinance Book #27, Page .

CHANGE OF ZONE NO. 11013 - APPLICATION OF EIGER CORP. FOR A CHANGE OF ZONE FROM AG AGRICULTURE DISTRICT TO B-5 PLANNED REGIONAL BUSINESS DISTRICT ON PROPERTY GENERALLY LOCATED AT SOUTH 84TH STREET AND PINE LAKE ROAD - CLERK read an ordinance, introduced by Jon Camp, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the third time.

CAMP Moved to pass the ordinance as read.

Seconded by Eskridge & carried by the following vote: AYES: Camp, Carroll, Cook, Eskridge, Hornung, Snyder; NAYS: None; ABSENT: Emery.

The ordinance, being numbered **#19549**, is recorded in Ordinance Book #27, Page .

CHANGE OF ZONE NO. 11014 - APPLICATION OF LARRY BULLER TO DESIGNATE THE PROPERTY AT 2943 GARFIELD STREET AS A HISTORIC LANDMARK (RELATED ITEMS: 11-66, 11R-114) (ACTION DATE: 6/6/11) - CLERK read an ordinance, introduced by Jon Camp, amending the City of Lincoln Zoning District Map attached to and made a part of Title 27 of the Lincoln Municipal Code by designating certain property as a Landmark, the third time.

CAMP Moved to pass the ordinance as read.

Seconded by Eskridge & carried by the following vote: AYES: Camp, Carroll, Cook, Eskridge, Hornung, Snyder; NAYS: None; ABSENT: Emery.

The ordinance, being numbered **#19550**, is recorded in Ordinance Book #27, Page .

SPECIAL PERMIT NO. 11007 - HISTORIC PRESERVATION APPLICATION OF LARRY BULLER TO ADJUST THE SIDE YARD AND PARKING REQUIREMENTS ON PROPERTY GENERALLY LOCATED AT 2943 GARFIELD STREET. (RELATED ITEMS: 11-66, 11R-114) (ACTION DATE: 6/6/11) - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-86363 WHEREAS, Larry Buller has submitted an application designated as Special Permit No. 11007 to allow the preservation of an historic structure by adjusting the parking and yard requirements for residential use of the Hac Grocery/The Chimes building on property located at 2943 Garfield Street, and legally described as:

Lots 1 and 2, Block 12, Zehrung & Ames Addition, Lincoln,
Lancaster County, Nebraska;

WHEREAS, the real property adjacent to the area included within the site plan for this use of an historic landmark and adjustment of the parking and yard requirements will not be adversely affected; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the application of Larry Buller, hereinafter referred to as "Permittee", to allow the preservation of an historic structure for residential use by adjusting the required parking from 4 stalls to 2 stalls and adjusting side yard requirements to allow a 2 foot side yard adjacent to the east alley rather than the 5 feet required in the R-2 district, on the property legally described above, be and the same is hereby granted under the provisions of Section 27.63.400 of the Lincoln Municipal Code upon condition that construction and operation of said use of an historic building be in substantial compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves the development of the site as two dwelling units based on the submitted site plan in terms of required yards, specifically the east side yard being reduced from 5 feet to 2 feet.

2. Any modifications to the building exteriors or to the proposed site plan must be submitted and approved for a Certificate of Appropriateness by the Preservation Commission.

3. The City Council must approve the associated request for Change of Zone 11014 designating the Hac Grocery/The Chimes building as a landmark.

4. Only uses permitted in the underlying zoning district are allowed by this permit.

5. Before occupying the improvement all development and construction shall substantially comply with the approved plans.

6. All privately-owned improvements shall be permanently maintained by the Permittee.

7. The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters must be in substantial compliance with the location of said items as shown on the approved site plan.

8. The terms, conditions, and requirements of this resolution shall run with the land and be binding and obligatory upon the Permittee and the Permittee's successors and assigns.

9. The Permittee shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

Introduced by Jon Camp

Seconded by Eskridge & carried by the following vote: AYES: Camp, Carroll, Cook, Eskridge, Hornung, Snyder; NAYS: None; ABSENT: Emery.

OPEN MICROPHONE - NONE

MISCELLANEOUS BUSINESS

PENDING -

CAMP Moved to extend the Pending List to June 13, 2011.

Seconded by Hornung & carried by the following vote: AYES: Camp, Carroll, Cook, Eskridge, Hornung, Snyder; NAYS: None; ABSENT: Emery.

UPCOMING RESOLUTIONS

CAMP Moved to approve the resolutions to have Public Hearing on June 13, 2011.

Seconded by Hornung & carried by the following vote: AYES: Camp, Carroll, Cook, Eskridge, Hornung, Snyder; NAYS: None; ABSENT: Emery.

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ADJOURNMENT 4:10 P.M.

CAMP Moved to adjourn the City Council meeting of June 6, 2011.
 Seconded by Hornung & carried by the following vote: AYES: Camp,
 Carroll, Cook, Eskridge, Hornung, Snyder; NAYS: None; ABSENT: Emery.

Teresa J. Meier, Deputy City Clerk

Judy Roscoe, Senior Office Assistant